



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

October 5, 2018

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU, et al. v. DOD, et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

I write respectfully to provide the Court with a further status update regarding Defendant the Central Intelligence Agency (“CIA”), *see* Dkt. Nos. 80, 82. The parties also write to request that the Court permit the parties to file another joint status report no later than October 12, 2018.

Following the Court’s issuance of its Opinion and Order dated June 27, 2018 (Dkt. No. 67), the CIA conducted searches for responsive records along the lines laid out in the CIA’s previous status report to the Court. *See* Dkt. No. 80. The CIA has reviewed the materials located during those searches. Today, the CIA informed Plaintiffs that apart from records received in connection with the Deputies Committee meetings that have already been processed by other agencies in this litigation, the CIA is withholding in full the responsive records that were located during its searches, pursuant to multiple FOIA exemptions, including Exemption 1 (classified information), Exemption 3 (information protected from disclosure by statute, including the National Security Act), and Exemption 5 (privileged information). The parties have conferred and jointly propose to provide a further status report to the Court by Friday, October 12, with respect to proposed next steps in this matter.

We thank the Court for its consideration of this matter.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

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cc: Counsel of record (by ECF)